

CENTRAL FAX CENTER

MAY 22 2007

PTO/SB/84 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

 Docket Number (Optional)
BS01376

First named inventor: Matz

Application No.: 10/039,062

Art Unit: 2163

Filed: December 31, 2002

Examiner: Reilly

Title: Methods and System for Targeted Content Distribution Using Tagged Data Streams

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or Issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment _____ (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/23/2007 14:00:00 00000034 10039062

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1500.00 DP

MAY 22 2007

PTO/SB/64 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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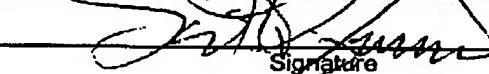
3. Terminal disclaimer with disclaimer fee

 Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(e) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

22 May 2007

Date

Scott P. Zimmerman

41,390

Typed or printed name

Registration Number, if applicable

P.O. Box 3822 Cary North Carolina 27519

(919) 469-2629

Address

Telephone Number

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Credit Card Payment Form

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

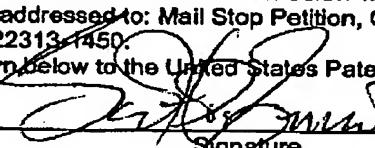
I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

22 May 2007

Date


Signature

Scott P. Zimmerman

Typed or printed name of person signing certificate

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MAY 22 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Matz

Group Art Unit: 2153

Application No.: 10/039,062

Examiner: Reilly, Sean

Filed: December 31, 2001

Title: "Methods and System for Targeted Content Distribution Using Tagged Data Streams"

37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the centralized facsimile telephone number (571) 273-8300.

Scott P. Zimmerman
Name of Person Transmitting This Paper



May 22, 2007
Date of Transmission

PETITION TO REVIVE FOR
UNINTENTIONAL ABANDONMENT

Commissioner:

The Assignee respectfully requests the grant of a petition to revive U.S. Application No. 10/039,062 for unintentional abandonment. The Assignee submits the following as factual evidence that this application did unintentionally abandon.

Examiner Reilly called Bambi F. Walters on September 19, 2006. Examiner Reilly explained that an office action was mailed November 4, 2005, but no reply had been received. Ms. Walters explained that she did not receive the office action, although she verified the mailing address was correct.

Attorney Docket 01376
U.S. Application No. 10/039,062 Examiner Reilly Art Unit 2153
Response to November 4, 2005 Office Action

A Notice of Abandonment was then mailed September 29, 2006, saying no response to a previous office action had been received.

On December 22, 2006, Ms. Walters mailed a petition to withdraw the holding of abandonment. Ms. Walters included evidence that the office action had not been received. In the alternative, Ms. Walters also included a petition to revive for unintentional abandonment. Ms. Walters signed and dated a certificate of mailing, as 37 C.F.R. § 1.8 allows. A photocopy of these petitions is included herewith as evidence.

On April 12, 2006, Scott P. Zimmerman then called the Office of Petitions for a status. The Office of Petitions indicated that the petitions filed December 22, 2006 were not received.

On Friday, May 18, 2007 Examiner Reilly provided a copy of the office action that was mailed November 4, 2005.

On Tuesday, May 22, 2007 the Assignee submits this response to the office action that was mailed November 4, 2005. The Assignee also includes a petition to revive, along with the required fee.

The Assignee thus submits the above facts as evidence of unintentional abandonment. The Office of Petitions is thus respectfully requested to grant this petition.

Respectfully submitted,



Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission:

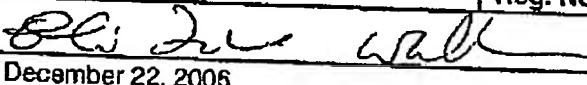
Application Number	10/038,062
Filing Date	December 31, 2001
First Named Inventor	William R. Matz
Art Unit	2153
Examiner Name	Sean M. Reilly
Attorney Docket Number	BS01376

ENCLOSURES

(Check all that apply)

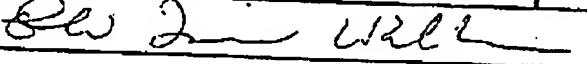
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): (1) Petition to Revive (2) Petition to Withdraw Holding of Abandonment (3) Credit Card Payment Forms -- \$1500 and \$400 (4) Copy of Notice of Abandonment and Interview Summary indicating that November 4, 2005 OA not received (5) RETURN POSTCARD
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Name (Print/Type)	Bambi Faivre Walters	Reg. No.:	45,197
Signature			
Date	December 22, 2006		

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name (Print/Type)	Bambi Faivre Walters	Date	December 22, 2006
Signature			

MAY 22 2007

PTO/SB/64 (09-06)

Approved for use through 03/31/2007 OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEPETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)
BS01376

First named inventor: Matz

Application No.: 10/039,062

Art Unit: 2153

Filed: December 31, 2001

Examiner: Sean M. Reilly

Title: System and Method for Targeted Content Distribution Using Tagged Data Streams

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (571) 272-3282.

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1. Petition fee

Small entity fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an official request for a copy of the November 4, 2005 OA (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

has been paid previously on _____.

is enclosed herewith.

DO NOT HAVE
 COPY OF
 NOVEMBER 4, 2005
 OFFICE ACTION,
 NOT ON PRIVATE
 PALS, EXAMINER
 HAS NOT SENT

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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(Page 1 of 2)

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WARNING:

Elaine Wall
Signature

December 22, 2006
Date

Bambi Falyne Wallers

Typed or printed name

45,197

Registration Number, if applicable

PO Box 5743

Address

757-263-5729

Telephone Number

Williamsburg, VA 23185

Address

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: Request for November 4, 2005 Office Action

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

December 22, 2006
Date

Elaine Wall
Signature

Bambi Falyne Wallers

Typed or printed name of person signing certificate

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MAY 22 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sean Reilly **Group Art Unit:** 2153
Application No.: 10/039,062 **Examiner:** Sean Reilly
Filed: December 31, 2001
Title: "Method and System for Target Content Distribution Using Tagged Data Streams"

VIA USPS FIRST CLASS MAIL.

Attn: Office of Petitions

37 C.F.R. § 1.8 CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Bambi F. Walters
Name of Person Mailing This Paper

1000 mg. T.M.P. per

John Doe Signature

Signature
Amber 22.

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED
ON EVIDENCE THAT A REPLY WAS TIMELY MAILED**

Dear Sir

Pursuant to 37 C.F.R. § 1.8, Assignee hereby petitions the Commissioner to revive the above-identified patent application. This Petition is filed in response to the September 29, 2006 Notice of Abandonment that alleges a Reply to the November 4, 2005 Office Action was not timely filed.

This petition is filed to withdraw holding of abandonment based on evidence that the November 4, 2005 has not been received by Assignee:

U.S. Application No. 10/039,582 Examiner Reilly, Art Unit 2153

Petition to Withdraw Holding of Abandonment

Page 2

- (1) An Official Request for a copy of the November 4, 2005 Office Action. On September 19, 2006, Bambi Faivre Walters (representative of Assignee) and Examiner Reilly discussed the November 4, 2005 Office Action that was mailed approximately one year earlier. Ms. Walters indicated that the Office Action had not been received and requested a copy to respond to with a Petition to Revive for Unintentional Abandonment.
- (2) Prior to Examiner Reilly's phone call on September 19, 2006, Ms. Walters had not been contacted regarding the lack of response to the November 4, 2005 Office Action.
- (3) On November 6, 2006, Ms. Walters called and left a voice message with Examiner Reilly again requesting a copy of the November 4, 2005 Office Action.
- (4) On December 21, 2006, Ms. Walters again called and left a voice message with Examiner Reilly again requesting a copy of the November 4, 2005 Office Action and explained that a copy of the Office Action was needed in order to prepare and file a response with Petition to Revive.
- (5) To date, Assignee has not received a copy of the November 4, 2005 Office Action. The mailing address of record is

Bambi Faivre Walters
PO Box 5743
Williamsburg, VA 23188

- (6) Payment of the petition fee under 37 CFR 1.182: \$400.00
- (7) Assignee submits this Petition and officially requests:
 - (a) A copy of the November 4, 2005 Office Action to prepare a response; and
 - (b) A decision to set aside the Notice of Abandonment for failure to respond to the November 4, 2005 Office Action.

U.S. Application No. 10/039,002 Examiner Reilly, Art Unit 2153
Petition to Withdraw Holding of Abandonment
Page 3

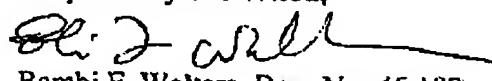
If, however, the USPTO does not grant this Petition to Withdraw the Holding of Abandonment, then Assignee alternatively attaches and submits the Petition for Revival for Unintentional Abandonment and again requests a copy of the November 4, 2005 Office Action in order to prepare a response.

CONCLUSION

Assignee respectfully petitions the PTO to withdraw the holding of abandonment based upon evidence presented herewith.

If the Office would like to discuss anything further, please feel free to contact the undersigned at 757-253-5729 (office), 757-784-1978 (cell), or at bambi@wzpatents.com

Respectfully submitted,



Bambi F. Watters, Reg. No. 45,197
Attorney for Assignee
PO Box 5743
Williamsburg, VA 23188
Telephone: 757-253-5729

Date: December 22, 2006

page 3